

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLIFFORD DISNEY,

Petitioner,

v.

Civil Action No. 2:12-cv-13828
Honorable Denise Page Hood

SHERRY BURT,

Respondent.

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ORDER DENYING SECOND MOTION FOR BOND AS MOOT

This 28 U.S.C. § 2254 matter is before the Court because Petitioner Clifford Disney filed a “Motion Rule 2.119 Appeal Bond,” on January 7, 2013. Pet’r’s Mot., ECF No. 12. This is Petitioner’s second request. The Court will deny the request as moot.

On January 3, 2013, the Court dismissed Petitioner’s Habeas Petition for failing to correct his deficiency. Op. & Order, ECF No. 10. When Petitioner filed his Habeas Petition, he neither paid the required filing fee for the action nor submitted a proper Application to Proceed *In Forma Pauperis*. Consequently, on September 10, 2012, the Court ordered a Deficiency Order, requiring him to either submit the required filing fee or a properly completed Application to Proceed *In Forma Pauperis*. Order to Correct Deficiency, ECF No. 6. The Court further stated that failure to do so within twenty-one days of the Court’s Order would result in dismissal of his case. *Id.*

Subsequently, on October 4, 2012, Petitioner filed a “Motion to Extend Time to File Account Statement,” in which he requested that the Court extend the time for correcting the deficiency. See ECF No. 7. The Court granted the Motion and gave him an additional thirty days in which to correct his deficiency, or until November 22, 2012. Order Granting

Mot. to Extend Time, ECF No. 8. Because Petitioner failed to comply with the Court's Order, the Court dismissed his Petition, and given that decision, Petitioner's "Motion for Bond" [ECF No. 3] was denied as moot.

For the reasons stated in this Order and its January 3, 2013 Opinion and Order, the Court denies Petitioner's second Motion for Bond as moot. This case is closed.

IT IS SO ORDERED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: January 17, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 17, 2013, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager